

Page 1

VOLUME: I
PAGES: 1 to 71
EXHIBITS: One

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action
No. 04 CV 10746 JLT

IVAN SANTIAGO,)
Plaintiff,)
)
)
v.)
)
WILLIAM J. FEENEY,)
MARCUS EDDINGS, and)
the CITY OF BOSTON,)
Defendants.)

DEPOSITION of IVAN SANTIAGO, a
witness called on behalf of the Defendants,
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before
Myriam A. Maracas, Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the
City of Boston Law Department, City Hall,
Boston, Massachusetts, on Tuesday, January
18, 2005, commencing at 1:20 p.m.

Page 2

1
2
3 APPEARANCES:
4

5 HRONES AND GARRITY
6 (by Stephen Hrones, Esq.)
7 Lewis Wharf, Bay 232, Boston, MA
8 02110-3927, for the Plaintiff.
9
10 CITY OF BOSTON LAW DEPARTMENT
11 (by Stephen G. Cox, Esq.)
12 City Hall, Boston, MA 02201,
13 for the Defendants.
14
15
16
17
18
19
20
21
22
23
24

Page 3

INDEX

2 Testimony of: Direct Cross
3
4 Ivan Santiago
5 (by Mr. Cox) 4

EXHIBITS

No.	Description	Page
-----	-------------	------

1	Diagram.	68
---	----------	----

Page 4

1 PROCEEDINGS
2 MR. COX: I'll put the usual
3 stipulations on the record.
4 MR. HRONES: Yes.
5 MR. COX: All objections, except as
6 to form, are reserved until trial. Motions
7 to strike are reserved until trial. Will
8 the witness read and sign?
9 MR. HRONES: Yes.
10 MR. COX: The witness will read and
11 sign. We'll waive the notary. Is 30 days
12 okay?
13 MR. HRONES: Fine.
14 IVAN SANTIAGO
15 A witness called for examination by
16 counsel for the Defendants, having been
17 first duly sworn, was examined and testified
18 as follows:
19 DIRECT EXAMINATION
20 BY MR. COX:
21 Q. Good afternoon.
22 A. Hi.
23 Q. My name is Stephen Cox and I represent the
24 City of Boston and Police Officers William

Page 5

1 Feeney and Marcus Eddings. We're going to
2 ask you some questions today about the
3 complaint that you brought; and before we
4 start, I'll just tell you a few groundrules
5 to keep in mind so it goes smoothly.
6 First, have you ever had your
7 deposition taken before?
8 A. Is it what we're doing?
9 MR. HRONES: Don't ask. Look at
10 me. Just listen to him.
11 Q. Have you ever been questioned in a situation
12 like this?
13 A. Yes.
14 Q. And when was that?
15 A. That was when I went to talk to Attorney
16 Hrones about this situation.
17 Q. And aside from that, any other times?
18 A. No, sir.
19 Q. Wait until I finish asking a question before
20 you give an answer because everything that
21 we're saying is being taken down, so we
22 don't want to talk over each other. Keep
23 your voice up. If at any point you don't
24 understand a question or something is not

2 (Pages 2 to 5)

Page 6

1 clear for some reason, just let me know and
 2 I'll rephrase it.
 3 A. Okay.
 4 Q. If you don't tell me that, I'll assume that
 5 you understand the question and you're
 6 answering truthfully; okay?
 7 A. Okay.
 8 Q. If at any point, you would like to take a
 9 break, if you want some water or you want to
 10 speak to your attorney, just let me know;
 11 okay?
 12 A. Okay.
 13 Q. What did you do to prepare to come here
 14 today? Did you speak to anybody about this
 15 deposition?
 16 A. No, sir.
 17 Q. Have you spoken to Jacqueline Lugo about
 18 this deposition?
 19 A. No.
 20 Q. When was the last time you spoke to
 21 Ms. Lugo?
 22 A. I think it was the day before Christmas or
 23 Christmas Eve.
 24 Q. And where does she live?

Page 8

1 called.
 2 Q. That's fine. Anything else?
 3 A. No, sir.
 4 Q. Are you currently taking any medications?
 5 A. No, sir.
 6 Q. Have you consumed alcohol in the last 24
 7 hours?
 8 A. Actually, Saturday.
 9 Q. That's fine.
 10 A. Birthday party. It was at a --
 11 Q. You don't have to explain. And where do you
 12 currently live?
 13 A. I stay at 109 Standard Street.
 14 Q. Stanton?
 15 A. Standard.
 16 Q. Standard?
 17 A. Yes.
 18 Q. And where is that?
 19 A. Mattapan, Mass. 02126.
 20 Q. And whose residence is that?
 21 A. My girlfriend's, my new girlfriend's.
 22 Q. And what's her name?
 23 A. Zulek Perez.
 24 Q. Zulek?

Page 7

1 A. She lives in Portland, Maine.
 2 Q. Do you know her address?
 3 A. No. I do have it, but I don't know it off
 4 the top of my head.
 5 Q. Okay. Did you speak to Rolando Lugo about
 6 today's deposition?
 7 A. No. I haven't seen him since the incident.
 8 Q. You haven't seen him at all since March of
 9 2003?
 10 A. Right.
 11 Q. Was that the last time you spoke to him?
 12 A. That's the last time I seen or spoke to
 13 him.
 14 Q. Do you know where he lives?
 15 A. No, sir.
 16 Q. Did you review any documents before coming
 17 here today?
 18 A. Yes.
 19 Q. And what documents did you review?
 20 A. I don't know how to put it. The same things
 21 we're doing right now; but I did it with
 22 Internal Affairs, because it's been a while.
 23 Q. Sure. The transcript from Internal Affairs?
 24 A. Thank you. I didn't know what it was

Page 9

1 A. Z U L E K, Perez, P E R E Z.
 2 Q. And how long have you stayed at that
 3 residence?
 4 A. Almost a year.
 5 Q. Okay. And before that, where did you stay?
 6 A. With Jacqueline.
 7 Q. And where was that?
 8 A. It was Strong, Maine.
 9 Q. And how long did you stay in Strong, Maine?
 10 A. Not even a year. Almost a year. I can't
 11 remember. I know it didn't pass a year so
 12 around a year, around there.
 13 Q. And before that, did you stay with
 14 Jacqueline? I'm sorry. Go ahead. Where
 15 did you stay before that?
 16 A. Before Maine, we lived at 58 Chaney Street.
 17 That's where the incident happened.
 18 Q. So the two of you moved from Chaney Street
 19 and you went up to Strong, Maine?
 20 A. To Maine, yes, sir.
 21 Q. And why did you move to Maine?
 22 A. Because we had to leave. After the incident
 23 happened, we had to leave the apartment.
 24 Q. Okay. We'll talk more about that. Did

3 (Pages 6 to 9)

Page 10

1 someone live in Strong, Maine?
 2 A. Yes; her mother.
 3 Q. And that's who you went to live with?
 4 A. No. We lived with her for a couple of
 5 months. Her landlord had an extra house
 6 that we rented out.
 7 Q. Okay. Why did you leave Strong, Maine?
 8 A. I left because it's stressful. I mean, I
 9 couldn't find a job. It was just too
 10 stressful, too hectic, and I decided to go
 11 out and find myself, try to do what I have
 12 to do, and I was honest and I told her, "I
 13 want to leave. I want to get out."
 14 Basically, it was between us. It has
 15 something to do with the case; but then,
 16 again, it was personal stuff between us.
 17 Q. Okay. And so when you came back, you came
 18 back to live in Mattapan?
 19 A. With my mother, yes. That's where my mother
 20 lives.
 21 Q. So you lived with your mother for a short
 22 time and then moved with a new girlfriend?
 23 A. Yes.
 24 Q. And do you have any children?

Page 12

1 Shop. It was before the incident.
 2 Q. Have you ever been a Plaintiff in a lawsuit
 3 before?
 4 A. No. This is the first time.
 5 Q. Have you ever had any claims against the
 6 City of Boston or any other municipality?
 7 A. No, sir.
 8 Q. Have you ever been a Defendant in a civil
 9 lawsuit?
 10 A. No, sir.
 11 Q. Have you ever been arrested?
 12 A. Yes and no, because I was a juvenile. I was
 13 13. I was skipping school. I was at
 14 Forrest Hills Station and at the time, they
 15 said that no kids -- they didn't catch any
 16 kids in any T stops, that they are going to
 17 arrest them and have their parents come up
 18 so that's what happened. But ever since
 19 then, no.
 20 Q. Other than that, nothing?
 21 A. Other than that, nothing.
 22 Q. Okay. Do you have a primary care physician
 23 or a doctor that you see regularly?
 24 A. No. I haven't been to a physician or to a

Page 11

1 A. Three.
 2 Q. And what are their names and ages?
 3 A. I got two with Jackie and one with my new
 4 girlfriend now, so my oldest son's name is
 5 Gabriel. I've got a little daughter named
 6 Dream. And my new son is named Romeo.
 7 Q. And could you just tell me your education?
 8 Did you go to school in the Boston area?
 9 A. Yes. I went to Dorchester High.
 10 Q. Did you graduate from there?
 11 A. No.
 12 Q. And when did you leave Dorchester High?
 13 A. I left in my junior year.
 14 Q. And can you tell me, do you currently work?
 15 A. No. I just recently went -- I was supposed
 16 to go to a job interview today, but instead,
 17 I had to come here. So I got to go sometime
 18 this week.
 19 Q. Okay. When was the last time you worked?
 20 A. A long time. A long time.
 21 Q. If you remember.
 22 A. I would say, I think it was -- that happened
 23 in '98. I would say 2002. It was before
 24 the incident. I used to work at Stop &

Page 13

1 doctor since the age of 12.
 2 Q. Since the age of 12?
 3 A. Yes.
 4 Q. Have you had to go to a hospital for any
 5 reason?
 6 A. Yes. I had tonsillitis. This was like this
 7 past summer. Yes, this past summer.
 8 Q. Other than that, have you ever been to a
 9 hospital?
 10 A. No, sir.
 11 Q. Okay. We're here for an incident that
 12 occurred on March 20th, 2003, correct?
 13 A. Yes.
 14 Q. And this incident occurred at 58 Chaney
 15 Street?
 16 A. Yes.
 17 Q. And you said before that this is where you
 18 lived?
 19 A. Yes.
 20 Q. And who else lived at that address at the
 21 time of this incident?
 22 A. Jackie, Jacqueline, my X girlfriend; my son;
 23 and her brother occasionally stayed. He
 24 came and left.

4 (Pages 10 to 13)

1 Q. And when you say, "occasionally," at the
 2 time in March of 2003, was 58 Chaney Street
 3 where he slept every night?
 4 A. No. That morning, he just came in, like
 5 around 10:00. Then a half hour later,
 6 10:30, that's when it all happened. He just
 7 came in.
 8 Q. During this time period, was there any night
 9 of the week that he would sleep over?
 10 A. Oh, yes. Of course. I would say two or
 11 three times out of a week, he stayed.
 12 Q. And your son, Gabriel, was there?
 13 A. Yes.
 14 Q. And do you remember what time the police
 15 arrived, approximately?
 16 A. 10:30.
 17 Q. I'm going to hand you a piece of paper, and
 18 this isn't to test your artistic skills, but
 19 just to make my questions easier about what
 20 happened. You can take that pen. What I
 21 would like you to do is just using that
 22 whole sheet of paper, if you could just draw
 23 the general diagram of 58 Chaney Street, the
 24 apartment that you were in when the police

1 came, so I can use that.
 2 A. The inside or the outside?
 3 Q. The inside. Just the inside of the
 4 apartment, the rooms.
 5 A. You come in, there is a little hallway
 6 here. The bathroom is here, our bedroom,
 7 and there is the middle room, because once
 8 you go in, there is a little -- it's like a
 9 little main entrance. Like when you come in
 10 like this, it's like this. Then a little
 11 hallway. There is the kitchen. The
 12 bathroom is in the hallway and then you go
 13 into the living room, and then that's where
 14 you go in the living room. My son's room is
 15 right next to the TV. It's a two-bedroom
 16 apartment. There is one next to the
 17 bathroom and this one is off the living
 18 room.
 19 Q. And just mark "living room" where that is.
 20 A. (Witness complies)
 21 Q. So the living room is at the very end of the
 22 hallway?
 23 A. Yes, sir.
 24 Q. And this area here is nothing?

1 A. Is nothing. It's like a wall here. Once
 2 you come in, you see the living room right
 3 here. It's a pretty big living room. Then
 4 when you go into the saloon, you take a
 5 left. That's where my son's room is at.
 6 Then if you come down, because there are no
 7 doors in between, everything just leads --
 8 the only door is just the main door, the
 9 back door, which is right here, and the
 10 kitchen, my son's room, the bathroom, and
 11 our bedroom. That's it.
 12 Q. Okay. So tell me the first thing that you
 13 remember happening when the police arrived.
 14 A. Well, they came in through the main
 15 entrance. Me and my brother-in-law at the
 16 time, Rolando, we were playing video games.
 17 MR. HRONES: Do you want him to
 18 still use the drawing or not?
 19 MR. COX: Yes.
 20 Q. As we talk about him, I might ask you to
 21 mark more. So you and Rolando were in the
 22 living room playing video games?
 23 A. Yes.
 24 Q. And what was the first thing you heard or

1 how did you first come to know that police
 2 were in the apartment?
 3 A. My girlfriend was in the kitchen at the
 4 time; and she seen them coming, because it's
 5 a big building so it has an entrance through
 6 the back. It has an entrance through the
 7 back. Once you go through the back door of
 8 the kitchen, there is a little hallway that
 9 was leading to the second and third floors
 10 and it leads to the back. So when you go
 11 out to take out the trash and everything,
 12 you go through the back. That hallway leads
 13 to this door, too. You can go around. So
 14 we had two entrances to the apartment, the
 15 main door and the back door, but they came
 16 in through the back of the building, but not
 17 through the back door to our apartment, and
 18 went around and came through the front.
 19 Q. So Jacqueline was in the kitchen and --
 20 A. Yes.
 21 Q. And where was Gabriel?
 22 A. With her. So she saw them. She came to
 23 tell us that the police are about to raid
 24 somebody in the facility. I can't remember

Page 18

1 exactly what she said, but she said
 2 something around there.
 3 Q. Did she actually come physically? Did she
 4 reach the living room?
 5 A. Yes. She came to us because we had the
 6 shades up and everything. She saw them and
 7 she came and told us. Now it's coming
 8 back. One of the officers heard her so
 9 that's when they just came. I don't even
 10 know how they even got in because the top
 11 lock was locked. The bottom lock is not
 12 even a lock. It's just a top one.
 13 Q. I'm going to take you back a little to make
 14 sure we cover everything. You're in the
 15 living room with Rolando playing video
 16 games?
 17 A. Yes.
 18 Q. And Jacqueline comes to the living room and
 19 says something along the line -- tell me
 20 again the gist of what she said.
 21 A. She was in the kitchen. I forgot what she
 22 was doing, but she saw the cops come in
 23 through the back entrance of the apartment.
 24 Of the building. I'm sorry. Of the

Page 20

1 and Rolando?
 2 A. Yes.
 3 Q. And was it immediate then; as soon as she
 4 said that, did you actually see the police
 5 officers or did you hear something first?
 6 A. It kind of happened too fast. Once she said
 7 that, it's just like a matter of three
 8 seconds, they already were coming in through
 9 the door.
 10 Q. And what's the next thing that you remember
 11 happening?
 12 A. Once they came in, they told us, "Put your
 13 hands up." They came and put Rolando in
 14 handcuffs. Then they put me in handcuffs.
 15 Then they showed us the warrant. They said,
 16 "We have warrants to search the facility."
 17 They showed Jacqueline. They showed her.
 18 Then they separated us. They took her.
 19 Q. So how many officers do you remember coming
 20 into the living room area?
 21 A. About seven, eight officers.
 22 Q. And so as soon as they came in, they
 23 handcuffed you and Rolando?
 24 A. They handcuffed him first and me.

Page 19

1 building. Then she saw them. She came to
 2 us. We were in the sitting room and she
 3 said that there are cops here, that they are
 4 about to raid somebody in the facility.
 5 Q. And was Gabriel with her?
 6 A. Yes.
 7 Q. Was she holding him?
 8 A. Yes.
 9 Q. And after she says this, what's the next
 10 thing you remember happening after she says
 11 that?
 12 A. Of the cops coming into the apartment.
 13 Q. And so when the police came into the
 14 apartment, you, Rolando, Jacqueline, and
 15 Gabriel were in the living room?
 16 A. No. She was right here.
 17 Q. You are just indicating sort of just in
 18 through the main --
 19 A. Yes. Like the little main hall. We were in
 20 the living room. She was like in between
 21 the living room and the main entrance. Like
 22 right here, basically.
 23 Q. And it's from that location just outside the
 24 living room that she said something to you

Page 21

1 Q. Where were you and Rolando sitting when you
 2 were playing the video games?
 3 A. We were in the living room. I think we were
 4 on the floor, I think. Yes, I was on the
 5 floor. He was like right next to me, but
 6 not sitting down.
 7 Q. Did they give you any instructions? Did
 8 they tell you to turn around?
 9 A. They put us on the floor. They just lied us
 10 down straight on our bellies and put our
 11 hands behind our backs and handcuffed us.
 12 Q. When they first came into the living room,
 13 they had both of you lay on the floor?
 14 A. Yes.
 15 Q. Did you see what happened to Jacqueline when
 16 they came in?
 17 A. They took her and took her to our bedroom.
 18 Q. So after you and Rolando were handcuffed on
 19 the ground, what happened?
 20 A. They separated us. They took him into my
 21 son's room. Then they took me and set me
 22 down on the sofa in the living room.
 23 Q. And you said before they separated you, they
 24 said that they had a search warrant or was

1 that after you were separated?
 2 A. This was before. Before we all were
 3 separated, they showed us -- I don't really
 4 know nothing about the search warrant
 5 because we were --
 6 Q. Were you still on the ground when they said
 7 that or had they lifted you up to stand up?
 8 A. They already had me sitting down.
 9 Q. Was it immediately after they handcuffed you
 10 that they stood you up and put you on the
 11 sofa?
 12 A. Yes.
 13 Q. And was Rolando on the sofa, too, before
 14 they separated you?
 15 A. No. Once they handcuffed both of us, they
 16 stood him up, took him into my son's room
 17 and took me into the living room to the
 18 sofa, which is a couple of steps, two
 19 steps.
 20 Q. And were you able to see into -- can you see
 21 into your son's room from the living room?
 22 A. Yes, because it's like I'm sitting right
 23 here and that's my son's door. And then I
 24 could look. I can't look into our bedroom

1 because I was sitting like right here. I
 2 could see my son's room. I could also see
 3 everything else, so I had a clear view of
 4 everything.
 5 Q. Just make a "1" where you were sitting.
 6 A. I was right there.
 7 Q. Circle that.
 8 A. Okay.
 9 Q. Okay. Just so it's clear later on when
 10 we're looking at it, if we need to.
 11 And what else do you remember,
 12 then? They said they had a search warrant?
 13 Did they say anything else to you?
 14 A. No. They didn't speak to me about the
 15 search warrant. It was Jacqueline at the
 16 time.
 17 Q. It was Jacqueline?
 18 A. Yes, because that's all I heard. Once they
 19 handcuffed us, that's all I heard. She was
 20 the only one there. They said, "We have a
 21 search warrant to search the apartment."
 22 Q. So they didn't say that to you; they were
 23 saying that to Jacqueline and you overheard
 24 it?

1 A. Yes.
 2 Q. And could you hear it because Jacqueline was
 3 standing just outside?
 4 A. Yes. Exactly.
 5 Q. And you heard them say they had a search
 6 warrant?
 7 A. Yes.
 8 Q. Did you hear them say anything else?
 9 A. No. After that, I couldn't believe it.
 10 Q. When you were seated on the sofa in the
 11 living room, how many -- when you were
 12 seated on the sofa and separated from
 13 Rolando, how many officers were in the
 14 living room?
 15 A. I would say about six. Six to seven,
 16 because it was eight. I know it was around
 17 eight officers, but there was like two with
 18 him and the rest were in the living room
 19 area searching around.
 20 Q. So two officers took Rolando into your son's
 21 room?
 22 A. Yes.
 23 Q. And then there were other officers? Did the
 24 number change? Was it the same officers who

1 stayed in the living room or were there
 2 different ones coming and going?
 3 A. They were coming in and out. From when they
 4 came in, there were at least eight, but I
 5 know there were some more outside probably.
 6 I'm just making a suggestion, because a few
 7 of them came in. It was so much.
 8 Q. After the police officers told Jacqueline
 9 that they had a search warrant, what did
 10 they do with her?
 11 A. They took her into our bedroom. I don't
 12 know what happened in there at all.
 13 Q. From where you were sitting in the living
 14 room, could you see your bedroom?
 15 A. Yes.
 16 Q. Down the hall?
 17 A. Yes, I could see the bedroom door, but I
 18 couldn't see inside.
 19 Q. And what's the next thing you remember
 20 happening?
 21 A. They frisked me. One cop frisked me.
 22 Q. Was this after you had been seated on the
 23 sofa?
 24 A. Yes. This is after I had been seated.

Page 26

1 About three different officers frisked me.
 2 Q. And when you were frisked, were you told to
 3 stand up?
 4 A. Yes.
 5 Q. And how did they frisk you? What did they
 6 do?
 7 A. They just do it normally. They checked my
 8 pockets. They asked me if I had any weapons
 9 or sharp objects. I said, "No." It was
 10 just a normal frisk.
 11 Q. And had you been frisked before, when you
 12 say "normal"?
 13 A. Yes. Of course. I mean, not like on the
 14 street. Cops come, whatever. They just
 15 frisk you.
 16 Q. And you said you were searched, frisked
 17 about three times?
 18 A. I was frisked three times, yes. Exactly
 19 three times.
 20 Q. And did any of the officers say anything to
 21 you while they were frisking you?
 22 A. I don't remember.
 23 Q. Do you remember saying anything to them
 24 while they were frisking you?

Page 28

1 A. No, sir.
 2 Q. And there were two officers in your son's
 3 room with Rolando?
 4 A. Yes.
 5 Q. And was it the same two the whole time?
 6 A. I don't know. I just seen two. While I was
 7 getting frisked, everybody was moving around
 8 so it was hard. I'm just saying from when
 9 it first happened, that's what I seen.
 10 Q. And then those same two officers took
 11 Rolando out of your son's room?
 12 A. Yes.
 13 Q. And how long had they been in that room with
 14 Rolando?
 15 A. I would say five to ten minutes tops.
 16 Q. And were they within your sight the whole
 17 time or was there any point where you
 18 couldn't see what was going on?
 19 A. The door was closed.
 20 Q. They closed the door?
 21 A. Once they took him in there, they closed the
 22 door. I didn't hear nothing. I didn't see
 23 nothing. I just saw when they went in and
 24 they took him out.

Page 27

1 A. No.
 2 Q. And what's the next thing you remember
 3 happening after you were frisked? Let's
 4 just stop it at this point. How much time
 5 has passed from when the police came into
 6 the apartment to the time that you were
 7 searched the third time?
 8 A. About 15, 20 minutes.
 9 Q. Okay. So what happened after that?
 10 A. After the third time I got frisked, after
 11 they all already destroyed our apartment,
 12 they searched everything. After they
 13 frisked me for the third time, they take
 14 them. They were searching my son's room.
 15 They took him.
 16 Q. "Him" being Rolando?
 17 A. Yes, Rolando. They took him. Then after
 18 they took him, four officers left. There
 19 were two Caucasians, one Hispanic, and one
 20 black man.
 21 Q. Now, when you were sitting during this
 22 period where you were sitting in the living
 23 room, did you hear any conversation in your
 24 son's room between the officers and Rolando?

Page 29

1 Q. So the two officers went into your son's
 2 room with Rolando, closed the door, and then
 3 the next time it opened, the same two
 4 officers came out with him?
 5 A. (Witness shakes head)
 6 Q. I'm sorry. Is that what happened?
 7 A. Yes.
 8 Q. And when the officers came out with him,
 9 where did they go?
 10 A. They took him outside.
 11 Q. So they went out the main door?
 12 A. Outside. What happened after that, I don't
 13 know.
 14 Q. And at the point where they took him
 15 outside, where was Jacqueline? Do you
 16 know? Was she still --
 17 A. No.
 18 Q. -- in the bedroom?
 19 A. No.
 20 MR. HRONES: Wait until he finishes
 21 the question. She's got to take it down.
 22 Wait.
 23 Q. Just so we're not talking over each other.
 24 I know it's hard.

8 (Pages 26 to 29)

1 A. At that point, when they took him, they
2 brought her up.
3 Q. Was that before or after they took Rolando
4 out, if you remember?
5 A. She was there before they took him out. I
6 was on the same spot on the sofa the whole
7 time. They brought her out. She sat about
8 like a good angle from me.
9 Q. In the hallway?
10 A. In the hallway, yes. There was a little
11 brown chair.
12 Q. You made a star with a circle around it.
13 There was a chair in the hallway and was she
14 handcuffed when they brought her out of the
15 bedroom?
16 A. No. She wasn't handcuffed at all.
17 Q. At any point, did you see her handcuffed?
18 A. No, she was not.
19 Q. When they brought her out of your bedroom,
20 where was Gabriel?
21 A. With her.
22 Q. Was Gabriel with her the whole time?
23 A. Yes.
24 Q. So she was holding him?

1 A. Yes.
2 Q. How old was he at the time?
3 A. Two years old.
4 Q. And she sat in that chair in the hallway; is
5 that right?
6 A. She sat down on that chair with my son on
7 her lap.
8 Q. And it was after that that the officers came
9 out of your son's room with Rolando?
10 A. Yes, sir.
11 Q. And after they left, what's the next thing
12 that happened?
13 A. That's when the Hispanic cop came and told
14 the black cop that was next to me to go take
15 him to the bathroom and search him.
16 Q. Do you remember those specific words?
17 A. Yes.
18 Q. Anything else?
19 A. No.
20 Q. Before this was said, you said that the
21 black officer was standing next to you?
22 A. Yes.
23 Q. And you were seated?
24 A. Yes.

1 Q. And how long had he been there standing next
2 to you?
3 A. After the third frisk, it's like they -- how
4 do you say it? They designated him to watch
5 me just in case if anything happened, he
6 was -- all three of them, they put him to
7 watch me, basically.
8 Q. Is that because something was said or you're
9 just kind of assuming based on how it
10 happened? I'm just wondering if anything
11 was said to the officer about watching you
12 or anything like that.
13 A. No. He just told him to watch him and once
14 they were searching the house, the sofa,
15 everything, the rooms, once they took him,
16 the Hispanic cop was right in front of my
17 son's door. I could see him. He told the
18 officer standing next to me to take me to
19 the bathroom and search me.
20 Q. And he actually said, "Take him to the
21 bathroom"?

22 A. Yes.
23 Q. And could you describe what that officer
24 looked like? You called him an Hispanic?

1 A. He was short. He had short hair. No
2 glasses. He had no facial hair. He was
3 kind of a little bit chubby. I can't say
4 fat or husky. He was a little bit chubby.
5 Q. When you say, "Hispanic," what makes you say
6 he's Hispanic?
7 A. Because he spoke Spanish to us. He was
8 speaking Spanish to Jacqueline.
9 Q. And what was he saying when he was speaking
10 Spanish?
11 A. I don't know.
12 Q. Do you speak Spanish?
13 A. Yes. Of course.
14 Q. Could you hear what he was saying?
15 A. I was hearing but at the time, I couldn't
16 understand what he was saying. Like it was
17 too much noise. I just heard him and she
18 was talking back to him. I was still here.
19 He's there talking to her. Then every other
20 cop is talking. So it's hard to hear, but I
21 heard him. That's all I heard him say.
22 Q. When he was talking to her, was that when
23 she was seated in the hallway?
24 A. Yes, sir.

Page 34

1 Q. So after Rolando was taken out, this officer
 2 says to the black officer to take you to the
 3 bathroom and search you?
 4 A. Yes, sir.
 5 Q. And was Jacqueline still seated in the
 6 hallway --
 7 A. Yes.
 8 Q. -- at that time?
 9 A. Yes.
 10 Q. And was there anyone else in the living room
 11 other than the black officer? You said
 12 there were four officers total?
 13 A. Yes, four officers.
 14 Q. Where were the other two officers when this
 15 was said?
 16 A. It was in the little main entrance. Right
 17 here, I suppose.
 18 Q. You just made a line just inside the main
 19 door?
 20 A. Yes.
 21 Q. That's where the other two officers were?
 22 A. Yes.
 23 Q. And was the Hispanic officer the same
 24 officer who told Jacqueline in the beginning

Page 36

1 A. Yes. Every officer in the house was wearing
 2 gloves.
 3 Q. Okay. Did the black officer say anything to
 4 you from the time -- were you handcuffed
 5 behind your back?
 6 A. Yes.
 7 Q. And so you stood up and walked with the
 8 officer to the bathroom in front of the
 9 bathroom?
 10 A. Mm-hmm.
 11 Q. Yes?
 12 A. Yes.
 13 Q. And did he say anything to you in the
 14 hallway before you reached the door?
 15 A. I don't remember, honestly.
 16 Q. So you would have walked past Jacqueline?
 17 A. Walked past Jacqueline and the two officers.
 18 Q. And Jacqueline was seated there with
 19 Gabriel?
 20 A. Yes.
 21 Q. And was there an officer standing with her,
 22 too?
 23 A. No.
 24 Q. She was just by herself?

Page 35

1 that they had a search warrant?
 2 A. I didn't see that. I didn't see who said
 3 what. I just heard it.
 4 Q. You just heard that?
 5 A. Yes.
 6 Q. Okay. So after the Hispanic officer told
 7 the black officer to take you to the
 8 bathroom and search you, what happened
 9 next?
 10 A. The officer told me to get up. I got up.
 11 We get to the door in the bathroom, takes
 12 off my cuffs, we go in, and he tells me to
 13 take off piece by piece first.
 14 Q. I'll just stop you there. How was he
 15 dressed, the black officer?
 16 A. He was not in uniform.
 17 Q. He wasn't in uniform?
 18 A. No, he wasn't in uniform.
 19 Q. Did you notice any of the officers wearing
 20 gloves?
 21 A. All of them.
 22 Q. All of them?
 23 A. Yes.
 24 Q. Including the black officer?

Page 37

1 A. By herself.
 2 Q. And what happened to the Hispanic officer
 3 after he said that to the black officer?
 4 A. He was still on the same spot in front of my
 5 son's door. That's the last time I seen
 6 him. When he said that, he picked me up and
 7 we left. I didn't see him move or
 8 anything. That was the last place where I
 9 seen him at.
 10 Q. And so the black officer took the handcuffs
 11 off of you before you went into the
 12 bathroom?
 13 A. Yes, sir.
 14 Q. And he kept the handcuffs on him?
 15 A. Yes, he did.
 16 Q. Okay. You then went into the bathroom?
 17 A. Mm-hmm.
 18 Q. You have to answer yes or no.
 19 A. Yes.
 20 Q. And what happened? Was the door closed?
 21 A. Yes. He closed the door.
 22 Q. He closed the door?
 23 A. Yes.
 24 Q. And did he close it all the way or did he

1 leave it a little bit open?
 2 A. He closed it all the way.
 3 Q. What's the next thing that you remember
 4 happening?
 5 A. He's telling me to take off my clothes piece
 6 by piece. Shirt first. I took off my
 7 shirt. Then he searched the shirt, went
 8 like, you know. Then he told me --
 9 Q. So you took off your shirt and handed it to
 10 him?
 11 A. Yes. He searched it. Then he told me to
 12 take -- I had jeans. I took off my jeans,
 13 and he searched the pants. Then I had
 14 basketball shorts under. I took them off.
 15 He searched them. Then I had boxers. I
 16 took them off, and he searched them. Then
 17 he told me to turn around. From the time he
 18 told me to turn around, I was facing the
 19 tub. It's a pretty small bathroom. It's
 20 pretty small.
 21 Q. When you walk in the bathroom door, what's
 22 straight ahead of you when you walk in the
 23 bathroom door?
 24 A. As you walk in, the tub, the toilet, and the

1 A. No, sir.
 2 Q. Was he giving instructions about what to do
 3 with your clothes, what to take off?
 4 A. Yes. Just one item at a time. It was the
 5 shirt first, then hand it over, the pants.
 6 Just like that. One item at a time.
 7 Q. And he was wearing gloves?
 8 A. Yes, sir.
 9 Q. And when you would hand him an article of
 10 clothing, he would search, like he would
 11 give you the pants? He looked in the
 12 pockets?
 13 A. Yes. He searched everything. He searched
 14 the pants, everything.
 15 Q. And other than giving you instructions about
 16 what articles of clothing to take off, did
 17 he say anything else to you?
 18 A. No, sir.
 19 Q. Okay. And when he told you to bend over,
 20 what did you physically do? Did you lean on
 21 the tub?
 22 A. No, I didn't lean. I just bent over exactly
 23 like -- I put my hands on the tub and he
 24 told me to spread them, so I was like this

1 sink.
 2 Q. So the tub is right in front of you and then
 3 on the wall to your left is the sink?
 4 A. And then right next to it is the toilet.
 5 Q. And the toilet is in between the sink and
 6 the tub?
 7 A. Yes.
 8 Q. And at the time, as the officer was telling
 9 you to remove the articles, your articles of
 10 clothing, where was he standing?
 11 A. Right behind. Like when we came in the
 12 door, he was right here.
 13 Q. So his back was towards the wall?
 14 A. Towards the door, yes.
 15 Q. And you were standing between the officer
 16 and the tub?
 17 A. Yes.
 18 Q. Okay.
 19 A. So then he tells me to turn around. So at
 20 the time he tells me to turn around, I'm
 21 facing the tub and he tells me to bend over
 22 and spread them.
 23 Q. Before that, had he said anything else to
 24 you?

1 and I spread my cheeks.
 2 Q. When he told you to turn around, you're
 3 facing the tub and you took your hands and
 4 you put them on the edge of the tub?
 5 A. Yes, sir.
 6 Q. And tell me what you did.
 7 A. Then he told me to spread them, and I
 8 grabbed my hands and spread my cheeks.
 9 That's when he looked and I just felt like
 10 about an inch, like that, go in and go
 11 around. You don't mind if I demonstrate?
 12 Q. No.
 13 A. He just went like this and went like this
 14 around.
 15 Q. Just for the record, because obviously, this
 16 isn't going to be on the record, you're
 17 taking your middle finger and you're sort of
 18 putting it into your other hand, your thumb
 19 and your forefinger about up to the first
 20 joint; is that fair?
 21 A. Yes.
 22 Q. And you just did a movement with your hand,
 23 your right hand?
 24 A. Yes.

Page 42

1 Q. Could you just do that again so I could
2 describe it?
3 A. Like when you are trying to clean a bottle
4 or something, wiping something off like
5 that, just like that.
6 Q. And so you just turned your right hand just
7 sort of a half -- if it's a clock, you just
8 went from six o'clock to nine o'clock and
9 then back around to three o'clock?
10 A. Basically, yes.
11 Q. Where were your hands when he did this?
12 A. They were on my cheeks.
13 Q. So you were standing up?
14 A. No. I was bending over.
15 Q. And with both of your hands?
16 A. Yes. I was bending over just like this and
17 my hands were on my cheeks.
18 Q. Okay. I know it's hard. I appreciate you
19 telling me.
20 Now, after he did that, did he say
21 anything to you?
22 A. Just to put my clothes back on.
23 Q. And what did he do, if anything?
24 A. He took off his gloves and threw them on the

Page 44

1 A. He was with the other two officers.
2 Q. He was over with the two officers in front
3 of the main entrance area?
4 A. Yes, sir.
5 Q. And then the black officer walked you over
6 to the couch where you had been seated
7 before?
8 A. Yes, sir.
9 Q. And what happened?
10 A. The other officers asked him if he's clean
11 or not. You know, he said, "Yes, he's
12 clean. He has nothing."
13 Q. And you remember those words being spoken?
14 A. Yes.
15 Q. Do you remember which officer asked that?
16 A. No, I don't.
17 Q. Was that before you were seated that you
18 heard that being said?
19 A. It was after I was seated because I sat
20 down. Then he was next to me and the cops
21 asked him. He said, "He's clean."
22 Q. And then what happened?
23 A. And then it was over. It was done. They
24 done the search. They did it all, and they

Page 43

1 floor.
2 Q. He threw them on the floor?
3 A. Yes.
4 Q. Is that all he said to you, to put your
5 clothes back on?
6 A. Yes, sir.
7 Q. And so you put your clothes back on and
8 what's the next thing that happened?
9 A. He handcuffs me again. Then we go back to
10 the original spot where I was sitting at in
11 the living room.
12 Q. And when you came out of the bathroom, was
13 Jacqueline still seated there with Gabriel?
14 A. Yes, sir.
15 Q. And did you see any of the other three
16 officers when you first came out of the
17 bathroom?
18 A. Yes, sir. I seen the same three officers
19 over there.
20 Q. And were they in the same spots, because
21 before you went in, the Hispanic officer was
22 outside of your son's room; is that right?
23 A. Yes, sir.
24 Q. And was he still there when you came out?

Page 45

1 uncuffed me.
2 Q. Do you remember who uncuffed you?
3 A. That same officer.
4 Q. After he said, "He's clean," about how long
5 after that did he uncuff you?
6 A. I would say not even five minutes. Three or
7 four minutes, around there. It's been so
8 long.
9 Q. And then after you were unhandcuffed, did
10 you stay seated on the couch?
11 A. Yes.
12 Q. And when you were unhandcuffed, Jacqueline
13 and Gabriel were still seated in the hallway?
14 A. Yes.
15 Q. And what's the next thing that happened?
16 A. They left.
17 Q. So right after you were unhandcuffed, they
18 left?
19 A. Yes. They basically left.
20 Q. And was anything said to you or to
21 Jacqueline before they left?
22 A. I think they told her that they had to
23 notify DSS for the child care. I think it's
24 DSS.

1 Q. Yes.
 2 A. That they had to notify them, let them know
 3 that there was a child at the time where
 4 they were doing the raid. I don't know
 5 which word he used, but what they were doing
 6 with the raid. She was like, "Okay. It's
 7 fine."
 8 Q. And when they left, were you aware that
 9 drugs had been found in the apartment?
 10 A. Oh, yes.
 11 Q. When did you first become aware of that?
 12 A. After they left, her brother called.
 13 Q. So at the moment that the police left the
 14 apartment, did you know that drugs had been
 15 found in the apartment?
 16 A. I don't remember if it was before or after,
 17 because I know after he called, he spoke to
 18 her and let her know what happened, what
 19 they found, because they found drugs in his
 20 rectum. That's why the Hispanic officer
 21 told the black officer to come and check me
 22 because right after they took him from my
 23 son's room, the Hispanic officer told him to
 24 go in the bathroom and search me, but I

1 didn't find out until her brother called.
 2 Q. So how long after the police left did
 3 Rolando call the apartment?
 4 A. Five minutes.
 5 Q. And when he called, did you speak to him at
 6 all?
 7 A. No.
 8 Q. Where was the phone in the apartment, if you
 9 remember?
 10 A. We had a cordless.
 11 Q. And so Jacqueline answered the phone?
 12 A. Yes.
 13 Q. And were you aware that she was speaking to
 14 Rolando?
 15 A. Yes.
 16 Q. And what do you remember hearing her say to
 17 him?
 18 A. She was telling him about the house. They
 19 broke this, they broke that. Simple stuff,
 20 but I can't remember anything besides that.
 21 I can't.
 22 Q. Okay. And just to back up, because we
 23 skipped over, when the officers left the
 24 apartment, what's the first conversation --

1 what was the first thing that was said
 2 between you and Jacqueline?
 3 A. I let her know what just happened.
 4 Q. And what do you remember saying to her
 5 specifically?
 6 A. That when he took me to the bathroom, he
 7 told me to take off my clothes piece by
 8 piece, told me to bend over, and I told her
 9 that he stuck his finger up. That's what I
 10 told her.
 11 Q. And when you were telling her this, where
 12 were you? Were you in the living room?
 13 A. Yes. We were in the same facility right
 14 here. She was right there talking on the
 15 phone.
 16 Q. So in the same area?
 17 A. Yes.
 18 Q. And this was a conversation that you had
 19 with Jacqueline before Rolando called?
 20 A. Yes, so then when he called --
 21 Q. I'm sorry to interrupt, but did she tell you
 22 that any drugs had been found?
 23 A. Yes. She asked her brother, "Did they find
 24 anything?" And then he said, "Yes. They

1 found drugs in my son's stuffed animal."
 2 That's where he was keeping it at.
 3 Q. Are you aware that any ammunition was found
 4 in a hole in the wall?
 5 A. Yes.
 6 Q. And was that in the living room?
 7 A. That was behind where I was. That was
 8 behind where I was. I was sitting on this
 9 sofa. Behind me, there was this thing.
 10 A. That hole was already there, but we did know
 11 about that and stuff.
 12 Q. So you were there when the police found
 13 that?
 14 A. Yes.
 15 Q. To your understanding, did they find that on
 16 their own or did they specifically go there
 17 to find the hole?
 18 A. Jacqueline told them.
 19 Q. Jacqueline told them where it was?
 20 A. Yes.
 21 Q. Okay. So after Jacqueline spoke to Rolando,
 22 did she tell you anything that he said?
 23 A. Let me see if I can remember. She told him
 24 about what happened to me. Then I think

Page 50

1 from what she said, that he spoke to his
 2 lawyer or something, and said that he was
 3 going to speak because he didn't know that
 4 that was the right thing. I thought it was
 5 part of the procedure, to tell you the
 6 truth. They ran my name. I told her that
 7 was the first time that ever happened to
 8 me. So I thought it was part of the
 9 procedure. So she felt like it wasn't.
 10 They raided my house. I was clean. They
 11 frisked me three times. I had nothing to do
 12 with the whole incident. I wasn't the one
 13 that they were looking for; but yes, yet,
 14 they still went ahead with the cavity
 15 search.
 16 Q. And you said they ran your name. When did
 17 they do that?
 18 A. After the second frisk, they ran my name.
 19 Then they ran her name at the same time.
 20 Q. And how did they do that? Did they have --
 21 A. They had walkie-talkies or whatever you call
 22 them things.
 23 Q. So the officer who was in the living room
 24 kind of called in your --

Page 52

1 what's the next thing that you remember
 2 happening?
 3 A. They were just talking.
 4 Q. So she gets off the phone and she tells
 5 you --
 6 A. What he said.
 7 Q. Did the two of you stay in the apartment
 8 that day?
 9 A. Yes. We cleaned up the apartment; and later
 10 on that night, she called her mother.
 11 Q. Later on that night?
 12 A. Around eight or nine o'clock that night.
 13 Q. And where was she and where were you when
 14 she called your mother?
 15 A. I don't remember that.
 16 Q. But you remember her speaking to her mother?
 17 A. Yes.
 18 Q. And do you remember hearing anything that
 19 she said?
 20 A. No, sir.
 21 Q. After she got off the phone, did she tell
 22 you about anything that was said?
 23 A. She basically told me that she thinks that I
 24 had a case in my hands, you know, because of

Page 51

1 A. My name.
 2 Q. And how did he get your information? Did
 3 the officer just ask you?
 4 A. Yes.
 5 Q. Did he take any identification from you?
 6 Was any identification taken from you at any
 7 point?
 8 A. I don't remember if I gave him my license or
 9 not. They just asked me for my name. Yes,
 10 he just asked me for my name, and they ran
 11 it down and it came out clean.
 12 Q. I'm sorry. So you were telling me what she
 13 was telling you that Rolando said and there
 14 was something about him speaking to his
 15 lawyer?
 16 A. About a lawyer to see if what happened to me
 17 was accurate or not; and basically, he spoke
 18 to -- I think he called -- I don't know when
 19 was the next time he called, but I know he
 20 called. I wasn't there because after this,
 21 I was stressing.
 22 Q. Well, just to try and take this
 23 chronologically so it makes sense, after
 24 Rolando called and Jacqueline spoke to him,

Page 53

1 how everything went. So that's basically
 2 it.
 3 Q. And is that something that her mother had
 4 told her or is Jacqueline telling you what
 5 she thought?
 6 A. It was just a suggestion. Like her brother
 7 gave her this suggestion. It wasn't
 8 something we were going to be like, yes, we
 9 are taking them to court. Just to find out
 10 some information, so that's how she went
 11 about it. She asked her brother to talk to
 12 his lawyer to find information, let them
 13 know what happened, to see if this was
 14 right, if it was the right thing to do.
 15 Q. And you said that Rolando called back later
 16 that day?
 17 A. I don't know, but I know he called back
 18 because she said it. I don't know when or
 19 where, what time. I don't know.
 20 Q. Did you leave the apartment at any point
 21 that day?
 22 A. Yes, I did. I went to go take a walk.
 23 Q. And when did you do that?
 24 A. I would say in the afternoon. From

1 afternoon to night. I came back that night.
 2 Q. You just walked around? Did you go anywhere
 3 specific?
 4 A. Yes. My mother lives in Mattapan. I
 5 think. I don't know. I'm not sure. I just
 6 know I just left.
 7 Q. Do you have a memory of going to your
 8 mother's that day?
 9 A. Not quite. I don't know if I did or not.
 10 It's just so many things that happened.
 11 I've been trying to forget about it, even
 12 though we're going through this, but it's
 13 something that's been bothering me for a
 14 while.
 15 Q. Okay. At any point, did you have any
 16 discomfort related to what happened?
 17 A. Yes. Absolutely. Right after it happened,
 18 I was trying to walk straight. I was trying
 19 to hold the pain in. Once everybody left, I
 20 told her, you know, I'm feeling a lot of
 21 pain. Like about an hour or so, close to an
 22 hour, I had to do bowel movement so I went
 23 and I wiped. There wasn't a whole lot of
 24 blood, but there was blood in the paper so I

1 told her and I showed her. She told me to
 2 go to the hospital, get yourself checked out
 3 and everything, and I couldn't. I told her
 4 I can't. That's something that I cannot
 5 tell a doctor, what just happened. I was
 6 shy. I was afraid. It was like I couldn't
 7 do nothing. I couldn't think. I couldn't
 8 even take care of my son. I felt violated.
 9 It's crazy.
 10 Q. You said the officer took the gloves off and
 11 put them on the floor in the bathroom?
 12 A. Yes.
 13 Q. What happened to them?
 14 A. We picked them up and threw them away. Like
 15 I said, I thought it was part of the
 16 procedure so I picked everything up.
 17 Q. It was part of cleaning up afterwards?
 18 A. Exactly.
 19 Q. And you said that there was blood after you
 20 went to the bathroom. Did that happen
 21 again?
 22 A. When I told her, she was speaking to her
 23 brother. It was like an hour after that. I
 24 had to use the bathroom. So I went in there

1 and used it.
 2 Q. And had that ever happened before? Was
 3 there ever blood after you did a bowel
 4 movement before?
 5 A. No. Never. Never.
 6 Q. Was that the only time that that happened?
 7 A. Yes.
 8 Q. I mean, was that time that you went an hour
 9 after, was that the only time that you had
 10 blood or did it happen after that, too?
 11 A. I was in pain for two days. Every time I
 12 used it, like it hurt. I couldn't even use
 13 it. It was crazy.
 14 Q. How many times?
 15 A. In two days, I did like three times. I did
 16 it that one day. The same day, I did it one
 17 time and I think the next day, two times on
 18 that day.
 19 Q. Okay. And then the next day, you didn't
 20 have blood?
 21 A. I didn't have blood.
 22 Q. Okay. And you talked a little about it,
 23 about sort of how it's bothered you or
 24 affected you. I would like you to tell me

1 about -- for example, you mentioned you
 2 couldn't even take care of your son. When
 3 you say that, what do you mean?
 4 A. I love being around him. Before this
 5 happened, like I could do anything, but I
 6 felt so down, like so depressed. Like when
 7 he wanted something, when he wanted to go
 8 take a walk, I couldn't. Instead, I just
 9 didn't feel up to it. Like I lost all
 10 emotions and everything. I just couldn't do
 11 anything.
 12 Q. For how long did this last?
 13 A. It still is now.
 14 Q. So you're saying because of this incident,
 15 you haven't been able to do things with your
 16 son?
 17 A. No. I'm not blaming it completely on that,
 18 but it's just that I'm trying to do what I
 19 have to do; but emotionally, it's tearing me
 20 apart. This and all the stress and not
 21 seeing them because I'm not with Jackie
 22 now. I'm not with her, so she's in Maine.
 23 I'm over here. I see them once a month or
 24 something.

Page 58

1 Q. Gabriel lives with Jacqueline?
 2 A. My two kids. I got two kids with her, my
 3 daughter and my son with her. And I just
 4 have a newborn with my new current
 5 girlfriend now.
 6 Q. What other factors are affecting your
 7 relationship with your son? You said a
 8 little bit about --
 9 A. When I do see him now, I don't -- it's like
 10 I grew out of it. It was just at the
 11 beginning. Like for them, a couple of
 12 weeks, at least a month, I felt like I
 13 couldn't do anything. I couldn't go
 14 outside. Even if I go outside, I couldn't
 15 run. It's just unexplainable. The feeling
 16 is totally unexplainable.
 17 Q. When you say you couldn't run, what do you
 18 mean?
 19 A. Because I used to play a lot of basketball,
 20 but I couldn't run. I'm just saying even if
 21 I tried to play, I couldn't, because of what
 22 just happened. That's all I had on my
 23 mind. That's all I had. It was just
 24 affecting me for that time period until I

Page 60

1 asking if you did. It's not a trick
 2 question.
 3 A. No. I never heard of Kim Giddy, no.
 4 Q. Were you ever told that prosecuting the
 5 officer who did this was something that you
 6 could do? Did anyone ever tell you that?
 7 A. Besides a lawyer or anybody?
 8 Q. Don't tell me what you might have said with
 9 your lawyer. I mean, was that ever
 10 something that you were told?
 11 A. Yes.
 12 Q. And did you do that?
 13 A. Did I do what?
 14 Q. Prosecute the officer. Did you take any
 15 steps to try and press charges against the
 16 officer for what he did, apart from the
 17 Internal Affairs?
 18 A. No.
 19 Q. Okay. Are you aware that you could charge
 20 him criminally?
 21 A. Yes.
 22 MR. HRONES: Objection.
 23 THE WITNESS: Objection?
 24 MR. HRONES: You still answer,

Page 59

1 realized that I needed to move on with
 2 this. It happened. I've got to deal with
 3 it.
 4 Q. How else would you say it's affected you?
 5 A. Basically, I don't know. I couldn't answer
 6 you because I'm trying to forget about the
 7 incident, about the whole feeling of it.
 8 That's what I'm mainly concerned about, just
 9 trying to forget how it felt. That's it.
 10 Q. And when you told me that at the time that
 11 you thought it was part of the search
 12 process, I mean, did it still -- strike
 13 that.
 14 When did you first go to an
 15 attorney? Do you remember how long after
 16 this?
 17 A. I don't remember. I don't remember.
 18 Honestly, I don't.
 19 Q. Okay. Do you remember speaking to anyone in
 20 the sexual assault unit?
 21 A. No, I don't remember.
 22 Q. Do you remember speaking to a Kim Giddy?
 23 A. Kim Giddy?
 24 Q. Yes. I'm not saying did you. I'm just

Page 61

1 though. That's just for the record.
 2 Q. You can still answer the question. So the
 3 question is, you were aware that you could
 4 prosecute him criminally in addition to
 5 civilly?
 6 A. I didn't know.
 7 Q. No one ever told you that you could
 8 prosecute him criminally?
 9 A. You are kind of confusing me now.
 10 Q. I don't want to confuse you. I mean, this
 11 is a civil case and you're aware it's in
 12 civil court and you're seeking monetary
 13 damages, correct?
 14 A. Yes.
 15 Q. Are you aware or did anyone ever tell you
 16 that you could prosecute the officer in a
 17 criminal court?
 18 A. Yes.
 19 Q. And did you ever take any steps to do that?
 20 A. No, sir.
 21 Q. And why didn't you do that?
 22 A. I don't know. I have no idea. I don't know
 23 nothing about that. If I knew before this
 24 happened, if I knew the law, because

1 honestly, I'm going to be honest with you,
 2 it's just I never pay mind but now I regret
 3 skipping school or acting up or whatever.
 4 If I knew a little bit about raids and how
 5 the law is about when doing these searches
 6 and types of things, then I would have
 7 decided right off the bat what I'm about to
 8 do; but since I didn't know anything, I just
 9 went along with it until I got advice. I
 10 got advice from Jackie, from her mother.
 11 They found information and I just decided,
 12 I'm okay. Let's give this a shot. If this
 13 is not right, I need to have justice for
 14 this, because this is something that it put
 15 me through a lot of pain.

16 Q. When you say, "justice for this," what do
 17 you mean?

18 A. I mean, I see all around TV, accidents do
 19 happen and people want justice for what the
 20 other person did to them. I found out that
 21 this is wrong, that that was illegal to do
 22 so I want justice.

23 Q. Do you mean money when you say "justice"?

24 A. It's half and half, because I really don't

1 raise a family, then things not working out,
 2 not finding a job, school and all this, it's
 3 just basically life is rough for me. It's
 4 been rough.

5 Q. I know you don't want to get too much into
 6 it. We won't. Just tell me generally,
 7 before this incident, when you say that
 8 you've had a rough life and the things that
 9 sort of affect how you feel --

10 A. The big thing that affected my life, it was
 11 when I was a child. My father -- I could
 12 literally say I had an abusive father. He
 13 used to just -- the only one he used to beat
 14 was my mom. He would come home drunk from
 15 work and take it out on my mother. So me as
 16 a kid, I used to see that. That's changed.
 17 That's been changed now, but it was just as
 18 a child. It was traumatizing growing up in
 19 a household like that. It's just
 20 stressful. I grew up and it's like I have
 21 nightmares about it. Me and my girl got
 22 into an argument. It's like anger. It's
 23 like it comes back out. I was trying to get
 24 away from that. Once I turned 18, I had to

1 care, but yes. On the other hand, yes, if
 2 that's the only thing that I could get, you
 3 know, but I just want him to understand what
 4 he did was wrong.

5 Q. Have you seen the officer since this
 6 happened?

7 A. No. I haven't seen none of them.

8 Q. Have you ever -- well, we established before
 9 you haven't been to a doctor since this
 10 incident?

11 A. No, I haven't.

12 Q. You have not?

13 A. No, I haven't.

14 Q. Your complaint alleges the emotional
 15 distress that you suffered after this, and
 16 we talked about that. And is it fair to say
 17 that you -- well, let me ask you, did you
 18 ever have any problems with feeling sort of
 19 depressed before this incident?

20 A. Yes. I always felt like that. Not like
 21 totally depressed; but I mean, I've been
 22 through a rough, rough life. My life has
 23 been rough. I don't want to leap into it,
 24 but I've been through a lot; and trying to

1 see my first son, which is Gabriel. I tried
 2 to move on. But yet, besides everything
 3 else, it's work, them, my parents.
 4 Everything was just stressful, basically.

5 Q. Did you tell any of your friends about what
 6 happened?

7 A. No, sir. I can't do that.

8 Q. Did you ever tell your mother about what
 9 happened?

10 A. No. I told her that they came by the house
 11 looking for me, but she knows that that's my
 12 lawyer.

13 Q. You mean relating to this deposition?

14 A. Yes, this case.

15 Q. But you haven't told her about the specifics
 16 about what --

17 A. No. She doesn't know.

18 Q. Aside from Jacqueline, have you ever spoken
 19 directly to Jacqueline's mother about what
 20 happened?

21 A. Yes. I think one time after it happened. I
 22 think we went up -- I think so.

23 Q. Do you remember the conversation, what it
 24 was about?

Page 66

1 A. She basically like asked me what happened,
 2 and I told her what happened. We went into
 3 the bathroom, take the clothes off. No. 1,
 4 this is what he had to do; and she asked me
 5 how do I feel. Then she gave me advice to
 6 go to the doctors, have it checked, but I
 7 just couldn't.
 8 Q. Was it shortly after the incident that you
 9 spoke to Jacqueline's mother?
 10 A. Not shortly. It was like two or three days
 11 when we were face to face because she lives
 12 out in Maine. We live in Boston.
 13 Q. So the conversation was in person, not on
 14 the phone?
 15 A. In person, yes.
 16 Q. So aside from Jacqueline and Jacqueline's
 17 mother and your attorney, have you spoken to
 18 anyone about what happened?
 19 A. No, sir. This is something I will keep.
 20 Q. I'm almost done. You say the officer who
 21 instructed the black officer to take you
 22 into the bathroom, you had heard him
 23 speaking Spanish?
 24 A. Yes. This was like in the beginning, way

Page 67

1 before.
 2 Q. Do you remember what color hair he had at
 3 all, that officer had?
 4 A. Yes. I think it was like -- not dark brown
 5 but like a little light brown. Yes, like a
 6 light brown hair.
 7 Q. And the last time you had any contact with
 8 Rolando was the day of this incident?
 9 A. Yes, sir.
 10 Q. And you had to move, you and Jacqueline and
 11 Gabriel had to move from this apartment
 12 because of the fact that drugs were found in
 13 that apartment?
 14 A. Yes, and because the landlord had to know.
 15 I don't know if the officers told him or
 16 not, but they sent us a letter, a notice
 17 saying we got two weeks' notice or something
 18 like that. So we had to leave because of
 19 the incident, yes.
 20 Q. You said that you threw away the gloves that
 21 you found that were left in the bathroom.
 22 When you were cleaning up after the search,
 23 did you throw away any other gloves?
 24 A. Everything.

Page 68

1 Q. Were there other gloves?
 2 A. Yes. From all of the other cops, when they
 3 were searching, because the whole house was
 4 all messed up anyways so why not just take
 5 off their gloves? They threw them on the
 6 floor and went about their business.
 7 MR. COX: Okay. I don't have any
 8 other questions. If you could just sign
 9 that down in the corner and put today's
 10 date.
 11 THE WITNESS: (Witness complies)
 12 MR. COX: Thank you very much.
 13 THE WITNESS: You're welcome.
 14 Thank you.
 15 (Diagram marked as Exhibit 1
 16 for identification)
 17 (Whereupon, the deposition was
 18 concluded at 2:35 p.m.)
 19
 20
 21
 22
 23
 24

Page 69

1
 2 DEPONENT'S ERRATA SHEET
 3 AND SIGNATURE INSTRUCTIONS
 4
 5 The original of the Errata Sheet has
 6 been delivered to Stephen Hrones, Esq.
 7 When the Errata Sheet has been
 8 completed by the deponent and signed, a copy
 9 thereof should be delivered to each party
 10 of record and the ORIGINAL delivered to
 11 Stephen G. Cox, Esq., to whom the original
 12 deposition was delivered.
 13
 14
 15 INSTRUCTIONS TO DEPONENT
 16 After reading this volume of your
 17 deposition, indicate any corrections or
 18 changes to your testimony and reason
 19 therefor on the Errata Sheet supplied to you
 20 and sign it. DO NOT make marks or notations
 21 on the transcript volume itself.
 22
 23
 24 REPLACE THIS PAGE OF THE TRANSCRIPT
 WITH THE COMPLETED AND SIGNED ERRATA
 SHEET WHEN RECEIVED.

18 (Pages 66 to 69)

Page 70

1 ATTACH TO THE DEPOSITION OF: IVAN SANTIAGO
 2 CASE: SANTIAGO VS. FEENEY, ET AL.
 3 ERRATA SHEET

4 INSTRUCTIONS: After reading the transcript
 of your deposition, note any changes or
 corrections to your testimony and the reason
 therefor on this sheet. DO NOT make any
 marks or notations on the transcript volume
 itself. Sign and date this Errata Sheet
 (before a Notary Public, if required).
 Refer to Page 69 of the transcript for
 Errata Sheet distribution instructions.

9 PAGE LINE

10 CHANGE:
 11 REASON:
 12 CHANGE:
 13 REASON:
 14 CHANGE:
 15 REASON:
 16 CHANGE:
 17 REASON:

18 I have read the foregoing transcript
 of my deposition and except for any
 corrections or changes noted above, I hereby
 subscribe to the transcript as an accurate
 record of the statements made by me.

19 Date _____
 20
 21

22 IVAN SANTIAGO
 23
 24

Page 71

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS.)

3 I, Myriam A. Maracas, Registered
 4 Professional Reporter and Notary Public in
 5 and for the Commonwealth of Massachusetts,
 6 do hereby certify that there came before
 7 me on the 18th day of January 2005, at
 8 1:20 p.m., the person hereinbefore named,
 9 who was by me duly sworn to testify to the
 10 truth and nothing but the truth of his
 11 knowledge touching and concerning the
 12 matters in controversy in this cause; that
 13 he was thereupon examined upon his oath, and
 14 his examination reduced to typewriting under
 15 my direction; and that the deposition is a
 16 true record of the testimony given by the
 17 witness.

18 I further certify that I am neither
 19 attorney or counsel for, nor related to or
 20 employed by, any attorney or counsel
 21 employed by the parties hereto or
 22 financially interested in the action.

23 In witness whereof, I have hereunto
 24 set my hand this 20th day of January, 2005.

18 Myriam A. Maracas
 19 Notary Public
 20 My commission expires 1/6/06
 21
 22
 23
 24

19 (Pages 70 to 71)

